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16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA**

18 **SAN FRANCISCO DIVISION**

19 | IN RE: UBER TECHNOLOGIES, | Case No. 3:23-md-03084-CRB
   INC., PASSENGER SEXUAL
20 | ASSAULT LITIGATION | **DECLARATION OF WILLIAM ANDERSON IN**
   | **SUPPORT OF DEFENDANTS' POSITION IN**
21 | | **JOINT LETTER REGARDING DEFENDANTS'**
   | **PRODUCTION OF HYPERLINKED**
22 | This Document Relates to: | **DOCUMENTS**
23 | ALL ACTIONS |
   | | Judge: Hon. Lisa J. Cisneros
24 | | Courtroom: G – 15th Floor

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REGARDING DEFENDANTS' PRODUCTION OF HYPERLINKED DOCUMENTS
Case No. 3:23-MD-3084-CRB

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1   **<u>DECLARATION OF WILLIAM ANDERSON</u>**

2   I, William Anderson, declare as follows:

3   1.   I am over 18 years of age and competent to make the statements in this

4   declaration. This declaration and information is provided pursuant to and under the provisions of

5   the protective order previously entered in this matter. I declare under penalty of perjury that the

6   foregoing is true and correct.

7   2.   This declaration is submitted in support of Defendants' Position in the joint letter brief

8   regarding hyperlinked documents.

9   3.   I am a Manager, eDiscovery at Uber Technologies, Inc. ("Uber"). I have been

10   employed at Uber since October 2015, and I have held my current position since March 2024. I

11   previously held the positions of Senior Discovery Analyst II, Senior eDiscovery Analyst,

12   Executive Support Technician, and Computer Technician at Uber. Over the course of my

13   employment at Uber, I have acquired personal knowledge of Uber's discovery capabilities

14   concerning its communication tools and data sources, and follow latest developments in the legal

15   technology industry at large.

16   4.   The contents of this declaration are true and correct to the best of my knowledge,

17   information, and belief, and are based on my personal knowledge of Uber's discovery capabilities

18   as they relate to Uber's communication tools and data sources and/or informed conversations with

19   knowledgeable employees at Google and Lighthouse (Uber's eDiscovery vendor). If called upon

20   as a witness in this action, I could and would testify competently to the matters discussed in this

21   declaration.

22   5.   Uber utilizes Google Workspace (formerly G Suite) to organize much of its business,

23   including Gmail, Google Drive, and the Google Docs, Sheets, and Slides applications, as well as

24   the Google Vault eDiscovery tool for Google Workspace. I described the Google Workspace

25   suite and Google Vault more fulsomely in my April 12, 2024 Declaration, ECF 499-4 at ¶¶10-14.

26   I have worked with Google Workspace since I started my employment at Uber over nine years

27   ago. I have significant experience addressing the challenges of collecting Google Drive files

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1   referenced in a URL, including both in emails or messages and in Google Drive files. However, I

2   understand the challenges discussed below are not unique to Google Workspace, but rather also

3   apply to the other major enterprise systems, including Microsoft M365.

4   6.   Over the past several years, Uber has gone through a myriad of steps to develop a

5   process to collect hyperlinked Google Drive documents for production. I worked with Uber's

6   eDiscovery vendor Lighthouse to develop their proprietary "Google Parser," which is not a

7   document collection tool but is useful in attempting to identify linked documents within collected

8   documents for subsequent collection. That development and implementation process took well

9   over a year to complete.

10   **The Technical Challenges of Collecting Hyperlinked Documents**

11   7.   Hyperlinks do not always reference other documents. Often, hyperlinks are used as

12   a navigational guide to point to *internal* references, i.e., as "bookmarks" that take the user to a

13   different section within the same document. In such cases, there is no "hyperlinked document" to

14   collect. Moreover, the difference between a navigational hyperlink and a hyperlinked document

15   will not be apparent until someone attempts to follow that hyperlink.

16   8.   Hyperlinked documents are not attachments. Hyperlinked documents present

17   unique collection challenges that make them different from documents attached to emails and

18   messages, and also different from documents embedded in other documents (e.g., spreadsheets

19   embedded in presentations).

20   9.   Hyperlinks may appear in emails and messages as well as in documents, and these

21   links may reference information that is internal to Uber (e.g., an email with a link to a Google

22   Drive document, or a document from another internal system) or external to the company (e.g., a

23   link to a YouTube video or a *New Yorker* article).

24   10.   In my experience, and to the best of my knowledge, there is no discovery tool or

25   application (neither within Uber's technology, nor within the commercial marketplace generally)

26   that automatically identifies, collects, and associates all underlying documents referenced by

27   hyperlinks to emails, messages, or documents containing those hyperlinks regardless of source of

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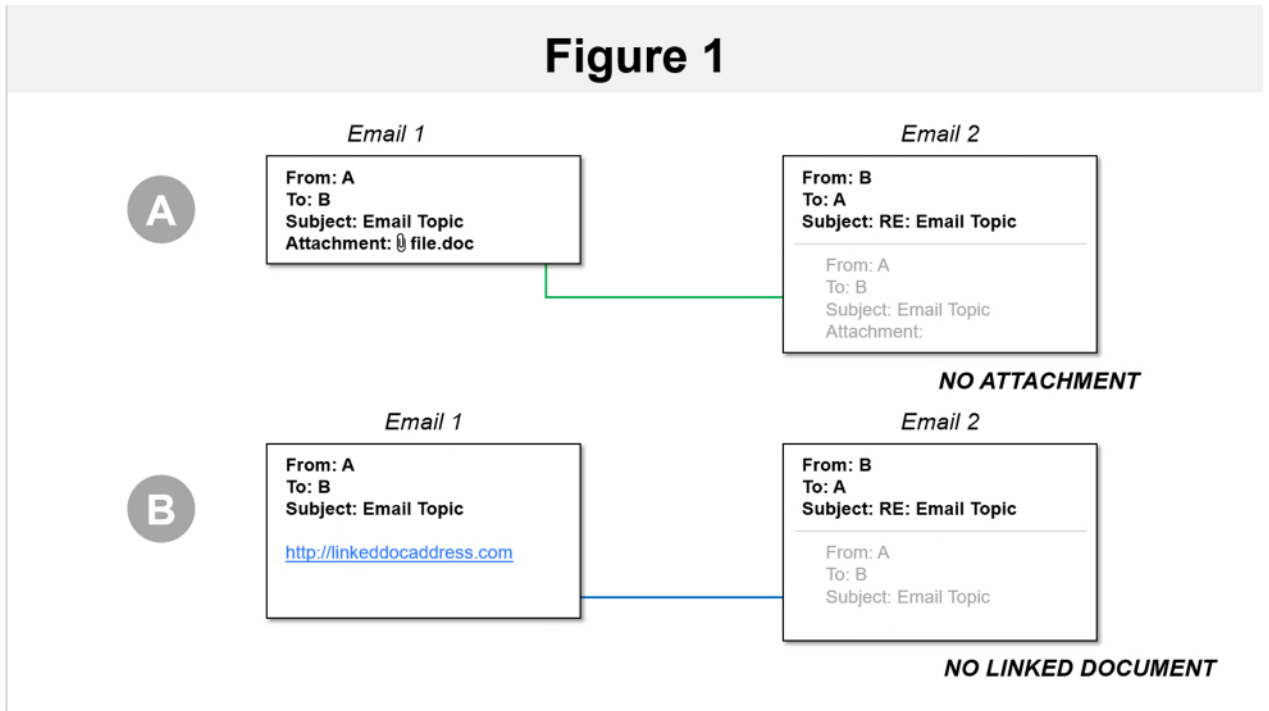Case No. 3:23-MD-3084-CRB

1   the referenced document. Searching for, collecting, and linking underlying hyperlinked

2   documents to documents containing those hyperlinks to unrelated systems must be done

3   manually, on a source-by-source, hyperlink-by-hyperlink basis. Further, each source or system

4   presents its own unique challenges when it comes to manually identifying and collecting

5   hyperlinked documents.

6   **The Specific Challenges of Collecting Hyperlinked Documents**

7   **I. Google Drive Documents Referenced by Hyperlinks in Nested Gmail Messages.**

8   　　　11.   Uber has worked with its vendor, Lighthouse, to develop a process whereby

9   hyperlinked Google Drive documents are identified, collected, and connected via metadata to the

10   email containing the hyperlink, such that hyperlinked Google Drive documents are handled in

11   exactly the same manner as traditional attachments. When the latest-in-time, or "top," email in an

12   email chain contains one or more hyperlinks to Google Drive documents, any hyperlinked Google

13   Drive documents are collected and associated via metadata to that top email, just as traditional

14   email attachments would be. Likewise, When the earlier-in-time or "nested" emails in an email

15   chain contains one or more hyperlinks to Google Drive documents, hyperlinked Google Drive

16   documents from those emails are not collected and associated via metadata to that email chain,

17   just as traditional email attachments would not be collected or associated with it. Thus, this

18   parallels, as to Google Drive documents, how email systems treat traditional attachments, as

19   illustrated by the following examples:

20   　　　　　a.   Email 1 is sent from A to B and attaches a document. Email 2 is a reply

21   　　　　　　　from B to A. Email 2 will not include a copy of the attached document from Email

22   　　　　　　　1.

23   　　　　　b.   Email 1 is sent from A to B and includes a hyperlink to a Google Drive

24   　　　　　　　document. Email 2 is a reply from B to A. Email 2 will not include a copy of the

25   　　　　　　　hyperlinked document from Email 1.

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Figure 1

13 Note that while the document or hyperlink in Email 1 above would not be collected *as an*

14 *attachment or hyperlinked document* and associated via metadata to these emails, so long as that

15 document is in the file of at least one document custodian, it will be collected for review.
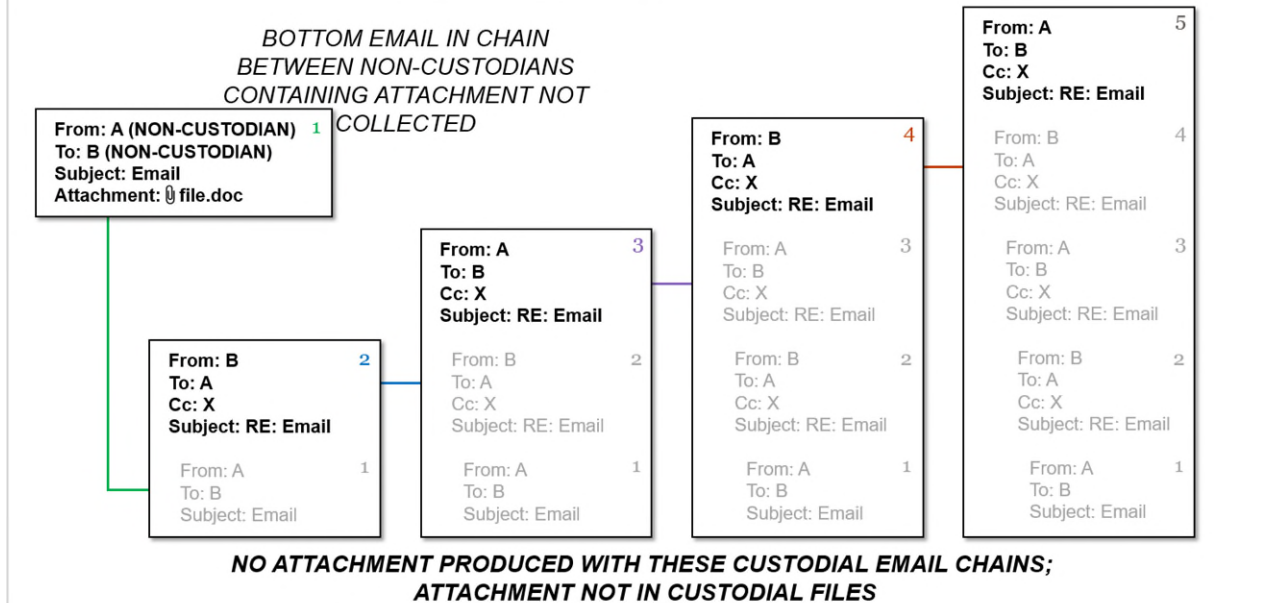
16   12.   While only Google Drive documents hyperlinked in the top email of a given email

17 chain are collected and associated via metadata with that email chain, consistent with how

18 traditional attachments would be collected and associated with an email chain, Uber is not using

19 email threading in this litigation. In fact, I understand that the ESI Protocol in this litigation

20 includes a paragraph titled "NO EMAIL THREADING." As a result, every sub-chain within an

21 email chain, so long as that sub-chain is within a document custodian's file, is collected

22 separately and independently as a document. For each such sub-chain, any available attachments

23 or hyperlinked Google Drive documents in the top email will be collected, as illustrated by the

24 following examples:

25   a.   Email 1 is sent from A to B, and attaches a document. Neither A nor B are

26   document custodians. In Email 2, B replies to A, and copies X, who is a document

27   custodian. As in the examples in Para. 11 above, the attachment to Email 1 is not

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1   included in Email 2. Emails 3, 4, and 5 are between A, B, and document custodian

2   Y. The following 4 email chains will be separately and independently collected as

3   documents, and any attachments in the top email of each chain will be collected

4   and associated via metadata with that email chain:

5   i.   Emails 5+4+3+2+1

6   ii.   Emails 4+3+2+1

7   iii.   Emails 3+2+1

8   iv.   Emails 2+1

Figure 2

20   Any hyperlinked Google documents would be collected and associated by

21   metadata in exactly the same manner as the traditional attachment described

22   above. Note that Email 1 will not be separately collected, because it was not sent

23   to or received by a document custodian. Likewise, the attachment to Email 1 will

24   not be collected, because it was never sent to or received by a document
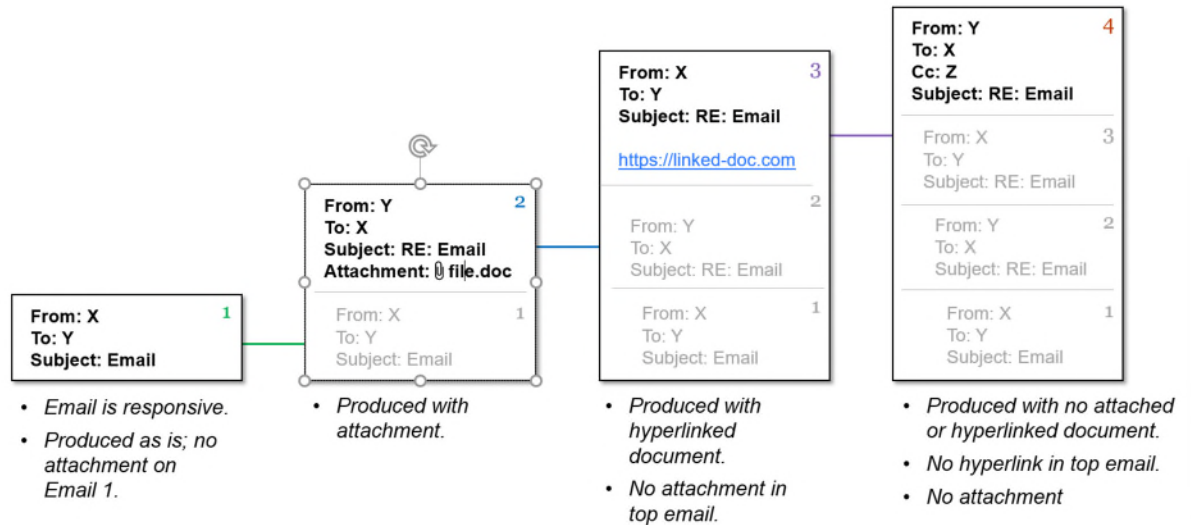
25   custodian.

26   b.   Email 1 is sent from X to Y, who are both document custodians. Email 2 is

27   sent from Y to X, and attaches a document. Email 3 is sent from X to Y and

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1   includes a hyperlink to a Google Drive document. Email 4 is sent from Y to X and

2   Z. In this scenario, the following 4 email chains are separately and independently

3   collected as documents:

4   i.   Emails 4+3+2+1

5   ii.   Emails 3+2+1, with the Google drive document hyperlinked in Email 3

6   included and associated via metadata.

7   iii.   Emails 2+1, with the attachment to Email 2 included and associated

8   via metadata.

9   iv.   Email 1

Figure 3

NO THREADING = ALL FOUR ITERATIONS OF THIS EMAIL CHAIN ARE PRODUCED AS SEPARATE DOCUMENTS

21   13.   In my experience and to the best of my knowledge, Uber has never previously

22 been required or asked–in litigation or otherwise–to produce hyperlinked documents referenced in

23 nested emails, and associate them via metadata to all email threads containing the email with the

24 hyperlink.

25 **II. Documents Outside of Google Drive Referenced by Hyperlinks in Gmail Messages.**

26   14.   In my experience and to the best of my knowledge, there is no discovery tool or

27 application (neither within Uber's technology, nor within the commercial marketplace generally),

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1   to collect hyperlinked documents from multiple data sources or systems on an automated basis, at

2   scale or otherwise. There is no third-party system that would have access to every possible

3   scenario of a hyperlinked document.

4   15.   Collecting documents outside of Google Drive referenced by hyperlink in Gmail

5   messages presents challenges and requires manual input at every step of the collections process:

6   identification and sorting of links, identification of the sources or systems containing the

7   hyperlinked documents, collection from those disparate sources, and association of those

8   documents with the Gmail message containing the hyperlink.

9   16.   While Google Vault now has a feature to collect available hyperlinked Google

10   Drive documents referenced in Gmail messages on an automated basis at scale, it does *not* have a

11   corresponding feature to collect hyperlinked documents from *outside* of the Google Workspace

12   environment. Nor could it, as such a tool would have to be designed or configured to collect

13   documents from multiple other systems, and include permission to access and retrieve

14   information from multiple other systems that are themselves constantly evolving.

15   17.   Once identified, hyperlinks referencing documents outside of Google Drive must

16   be manually reviewed to identify the probable source or system containing the referenced

17   document. In a litigation with document collections spanning over a decade, many hyperlinks

18   may point to deprecated systems and require additional research to determine which source or

19   system contains or once contained the hyperlinked documents. Depending on where the hyperlink

20   leads, it could take a few minutes, or even days, to access a *single* hyperlinked document.

21   18.   Once the relevant data sources or systems are identified, collecting the hyperlinked

22   documents from those systems is a manual process that varies in difficulty depending on both the

23   number of data sources or systems hosting the documents referenced by hyperlink, and the

24   permissions and structure of each such data system or source.

25   19.   Regardless, this process would be fully manual in that a person would need to

26   follow each individual hyperlink in an effort to locate the referenced document to the extent such

27   document exists. Some hyperlinks will lead to documents that require appropriate credentials to

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1   access, creating yet another hurdle, which may or may not be capable of being overcome. Again,

2   these are issues that a person would need to work through manually for each hyperlink, and each

3   hyperlinked document in a given Gmail message may require a different workflow.

4   20.   Assuming the underlying document can be collected, there is no automated tool to

5   associate documents outside of Google Drive referenced by hyperlink with the Gmail message

6   containing the hyperlink. That is also a manual task, requiring individualized assessment *per*

7   *hyperlinked document.* Then, to associate these documents with the emails containing the links,

8   the vendor would need to create a custom workflow to associate the newly collected hyperlinked

9   documents with the referenced email message.

10   21.   Uber has never previously been asked or required–in litigation or otherwise–to

11 produce documents referenced by hyperlinks in Gmail from systems outside of Google

12 Workspace as a matter of course for every hyperlink in every Gmail. To do so, a custom

13 workflow would need to be created to associate the newly collected hyperlinked documents with

14 the referenced email message.

15 **III. Documents Referenced by Hyperlinks in Documents.**

16   22.   In my experience, and to the best of my knowledge, there is no discovery tool or

17 application (neither within Uber's technology, nor within the commercial marketplace generally)

18 that automatically identifies, collects, and associates underlying hyperlinked documents

19 referenced by hyperlink within documents to various data sources or systems, at scale or

20 otherwise.

21   23.   Searching for, collecting, and linking underlying hyperlinked documents to

22 documents containing embedded hyperlinks to unrelated systems must be done manually, on a

23 source-by-source, hyperlink-by-hyperlink basis. Further, each data source or system presents its

24 own unique challenges when it comes to manually identifying and collecting hyperlinked

25 documents. There is no third-party system that would have access to every possible scenario of a

26 hyperlink document.

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1   24.   While, as discussed above, Google Vault has a feature that collects Google Drive

2 documents hyperlinked in Gmails consistently with the manner in which attachments would be

3 collected, Google Vault does *not* have a corresponding feature to collect documents hyperlinked

4 within Google Drive documents.

5   25.   Once identified, Google Drive documents hyperlinked within other Google Drive

6 documents must be collected manually, on a hyperlink-by-hyperlink basis. Further, once

7 collected, each hyperlinked document must be manually associated with the original document

8 containing the hyperlink.

9   26.   The process for identifying, sorting, collecting, and associating hyperlinked

10 documents outside of Google Drive is the same as discussed in ¶¶ 17-20 above.

11   27.   Uber has never previously been asked or required–in litigation or otherwise–to

12 produce documents referenced by hyperlinks in documents as a matter of course for every

13 hyperlink in every document.

14

15   Executed on January 30, 2025, at Denver, Colorado.

16   _William Anderson_

17   _____

18   WILLIAM ANDERSON

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